

STATE OF COLORADO

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John W. Hickenlooper
Governor

June 9, 2017

The Honorable Colorado House of Representatives
General Assembly
State Capitol
200 E. Colfax Ave.
Denver, CO 80203

Dear Members of the Colorado House of Representatives:

Government should never keep assets seized from innocent people. We all desire robust law enforcement to keep communities safe, and strong protections for Due Process rights. If the civil asset forfeiture process is to serve these goals, it must operate transparently and with adequate protections for all Coloradans. House Bill 17-1313 is an important first step to address problems inherent in the civil forfeiture laws. For these reasons, today I signed HB 17-1313 into law at 3:31 PM.

In early America, government for profit was the norm, rather than the exception. As Professor Nicholas Parrillo has observed,

Judges charged fees for transactions in cases they heard. District attorneys won a fee for each criminal they convicted. Tax investigators received a percentage of the evasions they discovered. Naval officers were awarded a percentage of the value of the ships they captured plus bounties for the enemy sailors on board ships they sank. . . . Policemen were allowed rewards for recovering stolen property or arresting suspects.

To our ears, these practices sound obsolete, and for good reason: modern government entails a workforce whose incentives are not distorted by the prospect of private gain. But civil forfeiture remains an outlier, a reminder that vestiges of these justifiably abandoned practices endure.

To say so is in no way to cast aspersions on the integrity of those in uniform. Law enforcement officers in Colorado have appropriately exercised their powers under existing law. To reform a system is not to indict the professionals who have, in good faith, operated under that system.

During consideration of House Bill 17-1313 (HB 17-1313), we met with sponsors, proponents, and opponents, and sought input from numerous other stakeholders and citizens. I sign this bill into law because it takes important steps in addressing substantial public policy concerns. But at the same time, we acknowledge that opponents' concerns have merit, and so I do so with the understanding that it is only part of a larger set of reforms necessary.

First, today I directed the Department of Public Safety (DPS) and the Department of Local Affairs (DOLA) to establish a taskforce to develop further reforms and improvements to civil asset forfeiture in Colorado. The group will present recommendations to the General Assembly to inform

future legislation including: (1) enhanced Due Process protections; (2) criteria to determine how best to direct civil forfeiture proceedings to the appropriate authority - federal or state; (3) guidelines for how local law enforcement agencies use funds collected through federal equitable sharing programs; and (4) process and timeline improvements for civil asset forfeitures under Colorado law.

I have also reached out to bill sponsors, leadership, and members of the Joint Budget Committee about the need to ensure that nothing we do today impairs law enforcement's ability to protect public safety. I therefore sign HB 17-1313 with the understanding that the bill sponsors and proponents will actively support and lead, in coordination with the task force, the following: (1) legislation to establish a State program to provide funds to the current recipients of forfeiture proceeds, thereby keeping law enforcement agencies whole while also removing any perceived or actual pecuniary interest in forfeitures; (2) appropriation of adequate funds to support the program; and (3) legislation to update HB 17-1313 and removal of DOLA as the enforcer of reporting requirements, thereby retaining the collaborative, partnership-based relationship between municipalities and the Department.

Complex policy reform does not happen overnight. Whether the issue is mental health holds or construction defects reform, striking the right balance inevitably takes time. Today, we begin a process of reforming civil asset forfeiture. We stand ready to work with the General Assembly and stakeholders as we continue down this path.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Hickenlooper". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

John W. Hickenlooper
Governor